

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

GOOD SPORTSMAN MARKETING, LLC, §
And IP HOLDINGS, INC., §

Plaintiffs,

VS.

LI & FUNG, LIMITED, LI & FUNG
(BVI) LIMITED, and TOY ISLAND (USA),
INC.

Defendants.

§

CIVIL ACTION NO. 6:07-CV-395

Jury Trial Demanded

**PLAINTIFFS' MOTION FOR ENTRY OF
DISCOVERY AND DOCKET CONTROL ORDER**

Plaintiffs Good Sportsman Marketing, LLC, and IP Holdings, Inc., move the Court to enter the proposed Discovery and Docket Control Order and respond to the Court's January 7, 2010 Order to Show Cause as follows.

On September 15, 2009, the Court entered an order requiring the parties to submit a proposed agreed Docket Control and Discovery Order. *See* Docket No. 54. The Order established a deadline of September 22, 2009, for the parties to submit an agreed Docket Control and Discovery Order. The Order also established certain dates for a pretrial conference, jury selection and trial for this case.

At the time, the parties were in the process of negotiating a settlement agreement concerning this dispute. *See* Exhibit A. These settlement negotiations began in July 2009 and continued through November 2009. *Id.* In Mid-November, Plaintiffs believed they had reached an agreement in principle to settle this dispute. Plaintiffs' counsel informed

the Court of this fact and explained that this was the reason why the parties had not submitted to the Court an agreed Docket Control and Discovery Order. *Id.*

By the end of November 2009, however, it became apparent that the parties were not going to be able to agree to definitive terms to settle this case. *See* Exhibit A. On December 7, 2009, Plaintiffs counsel contacted Defendants' counsel about the need to submit an agreed Docket Control and Discovery Order in view of the inability of the parties to reach a settlement. Plaintiffs' counsel also provided Defendants' counsel a proposed Docket Control and Discovery Order for review and comment. *See* Exhibit B. On December 15, 2009, Defendants' counsel responded by rejecting Plaintiffs' proposed Docket Control and Discovery Order but failed to provide an alternative proposal. *See* Exhibit B.

Plaintiffs, therefore, request the Court to enter the attached proposed Docket Control and Discovery Order. Plaintiffs also apologize to the Court for the delay in submitting the proposed Docket Control and Discovery Order.

Dated: January 18, 2010.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Eric W. Buether
Eric W. Buether
Attorney in Charge
Texas State Bar No. 03316880
E-mail: buethere@gtlaw.com
2200 Ross Avenue, Suite 5200
Dallas, Texas 75201
Phone: (214) 665-3664
Fax: (214) 665-5964

**PERETZ CHESAL &
HERRMANN, PL**

Steven I. Peretz
Florida Bar No. 329037
E-mail: speretz@kpkb.com
17th Floor Miami Center
201 S. Biscayne Boulevard
Miami, Florida 33131
Phone: (305) 379-9000
Fax: (305) 379-3428

POTTER MINTON, PC

Michael E. Jones, Esq.
State Bar No. 10929400
500 Plaza Tower
Tyler, Texas 75702
Phone: (903) 597-8311
Fax: (903) 593-0846

***ATTORNEYS FOR PLAINTIFFS,
GOOD SPORTSMAN
MARKETING, LLC, AND IP
HOLDINGS, INC.***

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via the CM/ECF filing system with the Clerk of the Court for the U.S. District Court for the Eastern District of Texas, Tyler Division on January 18, 2010.

By: s/Eric W. Buether
Eric W. Buether